

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
SIP APPROVABILITY CHECKLIST-ENFORCEABILITY

SIP Package No. _____	Date Rec. _____	Date Due _____
(For USEPA Use Only)		

District: Antelope Valley APCD Rule No.: Regulation XIII Date Adopted or Amended: 03/20/01

Rule Title: New Source Review

Enforceability Analysis	District Response	EPA Requirement	Approvability (Approvable or Not) (For EPA Use Only)
1. Applicability			
a. What sources are being regulated?	All new or modified stationary sources of air pollution (1300(B)(1)(a))	Clarity	
b. What are criteria for exemption?	1. Modifications which are not physical or operational changes: Routine maintenance, repair or replacement; change in ownership w/o other change; change in production rate unless design capacity or prior emission limit exceeded; change in hours of operation unless prior emission limit exceeded; functionally identical replacement units under certain conditions; relocation under certain conditions; movement of small IC engines under certain conditions (1301(QQ)).	Clarity	
	2. New or modified permit units at non-major facilities with PTE < 25lbs/day nonattainment pollutants issued permits pursuant to Regulation II. Limited review under this regulation. (1302(C)(2)(i); 1303(A)(1)& (2))	Clarity	

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	3. New or modified permit units or facilities with PTE >25lbs/day but less than 25tpy NOx or VOC or major facilities acquire a BACT condition on all new or modified equipment and are issued permits pursuant to Regulation II. Limited review under this regulation. (1302(C)(2)(ii); 1303(A)(3))	Clarity	
	4. If SER's are used to reduce PTE in determining applicability of offset threshold detailed engineering analysis is performed and appropriate permits issued pursuant to Regulation II (1302(C)(3); 1304(C))	Clarity	
c. Is calculation procedure for exemption clearly specified?	For Modification applicability see 1301(QQ). For PTE calculations see 1301(FFF) and 1304.	Example calculation or clear explanation of how to determine exemption (line by line, etc.)	
d. Is emission inventory listed in the background document of the attainment demonstration?	N/A	Inventory including allowable and actual emissions in source category should be included, for enforcement purposes and independent of any Clean Air Act requirements, in the attainment demonstration if such data is necessary for determining baselines in regulations.	

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<p>e. Is the averaging time(s) used in the rule different from that of the ambient standard?</p>	<p>N/A</p>	<p>The averaging time in the rule must be consistent with protecting the ambient standard in question. Normally, it should be equal to or shorter than the time associated with the standard. Longer term averaging is available only in limited instances provided that the ambient standard is not compromised.</p>	
<p>f. What are the units of compliance (lbs VOC per gallon of solids applied less water, grains per standard cubic foot?)</p>	<p>Trigger levels are stated in lbs/day and tons/year. (1303)</p>	<p>Clearly stated in the rule.</p>	
<p>g. Is bubbling or averaging of any type allowed? If yes, state criteria. Could a U.S. EPA inspector independently determine if the criteria were met? Does EPA have to approve each case?</p>	<p>N/A</p>	<p>Explicit description of how averaging, bubbling, or equivalency is to be determined. VOC equivalency must be on a “solids applied” basis. Any method must be independently reproducible. Provision must be explicit as to whether EPA case-by-case approval is required. If provision intended to be “generic” then EPA bubble policy must be met.</p>	

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h. If there is a redesignation, will this change the emission limitations? If yes, which ones and how?	Not directly. If a redesignation occurs the District would need to modify the rule to match the trigger levels for offsets and offset ratios contained in the Federal Clean Air Act.	Sunset Clause? Regulation may not automatically allow for self nullification upon redesignation of area to attainment. New maintenance demonstration required in order to drop regulation.	
2. Compliance Dates			
a. What is the compliance date?	Amendments are effective immediately.	Must not be later than approved or about to be approved date of attainment unless emission reductions not necessary for attainment. In some cases, it will be necessary for the regulation to specify dates in compliance schedules that are required to be submitted by source to state.	
b. What is the attainment date?	12/31/2007 (12/31/2005 for State)		
3. Specificity of Conduct			
a. What test method is required?	N/A	Test method must be explicitly stated.	
b. What is the averaging time in compliance test method?	N/A	Averaging time and application of limit must be explicit.	
c. Is a compliance calculation or evaluation required? (i.e., daily weighted average for VOC).	N/A		

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d. If yes to “c”, list the formula, period of compliance, and/or evaluation method.	N/A	Formula must be explicit.	
4. Incorporation by Reference			
a. What is state authority for rulemaking?	H&S Code §40702		
b. Are methods/rules incorporated by reference in the right manner.	Yes.		
5. Recordkeeping			
a. What records are required to determine compliance?	N/A	Clarity.	
b. In what form or units (lbs/gal, gr/dscf, etc.) must the records be kept? On what time basis (instantaneously, hourly, daily)?	N/A	Records to be kept must be consistent with units of compliance in the performance requirements, including the applicable time period.	
c. Does the rule affirmatively require the records be kept?	N/A	There must be a clear, separately enforceable provision that requires records to be kept.	
6. Exemptions			
a. List any exemptions allowed.	See item 1. b. above.	Must be clearly defined and distinguishable from what constitutes a violation.	
b. Is the criteria for application clear?	Yes.		

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7. Malfunction Provisions	N/A	Rule must specify what exceedances may be excused, how the standard is to be applied, and who makes the determination.	